

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, DECEMBER 19, 2022 @ 7:00PM**

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 15, 2022, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84936763268?pwd=OEIkdVArdjNwT0krdE9YZnVRbm9VUT09>

Meeting ID: 849 3676 3268

Passcode: 115485

One tap mobile

+16469313860,,84936763268# US

+19294362866,,84936763268# US (New York)

Dial by your location

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Meeting ID: 849 3676 3268

Find your local number: <https://us02web.zoom.us/j/kr6tv9ZUy>

Public Comment

New Business: Site Plan Review – Chris & Emily Goswick, 184 Ayer Road, for Mixed Use building (Residential unit & medical office)

Public Hearings:

7:30pm **Special Permit Hearing – DISH WIRELESS L.L.C., 47 Poor Farm Road**, for the addition of a co-locator to an existing Wireless Communications Tower

7:45pm **Special Permit Hearing – DISH WIRELESS L.L.C., 131 Brown Road**, for the addition of a co-locator to an existing Wireless Communications Tower

8:30pm **Continuation of Special Permit - Ayer Road Village-Special Permit and Site Plan Review Hearing - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**, for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use.

8:31pm **Continuation of Bylaw Hearings:**

1) Amend Section 125-7 Agricultural uses; and

2) Add new section, 125-59 Town Center Entertainment Overlay District

Old Business: a) Revised Multi-Family Map

b) Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)

Standard Business: a) Board Member Reports

- Representatives & Liaisons Update

- Community Matters
- Approve Minutes

**NEXT SCHEDULED MEETING:
MONDAY, JANUARY 9, 2023**

**HARVARD PLANNING BOARD
MEETING MINUTES
MONDAY, AUGUST 15, 2022**

Chair Richard Cabelus called the meeting to order at 7:03pm virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125.

Members Present: Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press), Bruce Ringwall (GPR, Inc.), Dan Wolfe (Ross Associates, Inc.)

Public Comment

Erin McBee, Select Board liaison to the Planning Board, requested the Planning Board consider scheduling a proposed overlay district for the for the spring annual town meeting. McBee mentioned a proposed Mill Pond Estate Chapter 40B development. She said a site walk may be coordinated. Donahue asked McBee if there were new language written regarding Town Center Overlay. McBee said she had been looking at other towns such as Falmouth and Concord because those towns had entertainment language in their Town Center overlay but that she had nothing written yet.

Compliance with Special Permit – 256 Ayer Road

Cabelus said the compliance with Special Permit for a barn was approved to be amended on 25th April 2022. Cabelus added there were nine sketches/drawings of the rear view of the barn provided to the PB members. Cook said it was as the applicant stated it would be and Cook had no issues. Cabelus agreed with Cook that the applicant is doing his due diligence to be in compliance. Donahue made a motion to accept the architectural plans of the facility at 256 Ayer Road as required by the Special Permit. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Jennings, aye; Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

ZBA Request for Comments

Allard reminded the PB that the ZBA would be meeting in September to discuss these items.

- 110 Warren Avenue (Special Permit) – requests permission for a permit to add to a pre-existing non-conforming structure. Allard said the proposed project is not making the structure more non-forming. Planning Board had no comments for ZBA. Allard said letter stating no comments would be prepared for the ZBA.
- 31 Glenview Drive (Variance) – proposed project would create a new deck with stairs four feet closer to the boundary. Donahue said there is plenty of space on the parcel to put the structure in a location that does not require a variance. Cook said it is not a hardship. Cabelus said he shared the thoughts of Donahue and Cook. Cabelus and Thornton said it would be acceptable to review again next time to see what develops with respect to the abutters' input. Cook suggested pushing out a final decision until next meeting. Cabelus said the PB could keep the item for a future agenda.

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road. Opened at 7:35pm (see page 3 for complete details)

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Board Member Reports

• **Representatives & Liaisons Updates**

- **MBTA** Donahue said requirements have been issued – district size has been waived. She said the unit density per acre had been reduced. Public hearing on September 8th at 1pm. Cabelus asked O’Connor to follow that and provide an update.
- **Climate Initiative Committee** – Donahue said there would be a public hearing on climate action plan on September 8th. She added the chair willing to attend a meeting to update the board at any time.

• **Community Matters** – none this evening

Approve Minutes

Cook made a motion to approve the minutes of July 18, 2022 as amended. Thornton seconded the motion. The vote was unanimous in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Special Permit & Driveway Site Plan Review – Francoise Crook, Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of). Opened at 8:12pm (see page 5 for complete details)

Adjournment

Cook made a motion to adjourn the meeting at 8:31pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call; Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda August 15, 2022

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Harvard Planning Board

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review

Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road

August 15, 2022

The public hearing was opened at 7:35pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022

Members Present: Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Bruce Ringwall (GPR, Inc.) and Lou Russo (Wheeler Realty Trust)

This hearing was continued from July 18, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Major Building Special Permit and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer Road, Harvard.

Bruce Ringwall, of GPR, Inc., representing Yvonne Chern for the badminton facility and Lou Russo for Wheeler Realty Trust. Planning Board re-advertised this application to be able to bring the new board members and staff up to speed on this application and have five voting members. Ringwall provide an overview of the site parcel slightly over 11 acres along Ayer Road, close to Route 2. He cited looking for relief from the Board under those provisions. Using the landscape plan, Ringwall showed location of three buildings. He said the largest of the 3 buildings is for badminton to house interior courts, office, bathroom, work out area, mangers suite. Ringwall said the other two are each 8,000 sq ft buildings. Parking behind or adjacent to the buildings with limits on parking allowed in front of buildings. Lot is such that it could be developed as three separate lots, but as part of ARV-SP, proposal is looking to unify the development to allow for one access point as rather than three. The proposal allows for pedestrian travel, crosswalk from Dunkin' across the way, access to the Waite Field, McCurdy and new Council on Aging. Proposal is for a Major building Special Permit because construction would be limited 10,000 sq foot structure unless otherwise approved by Planning Board.

Ringwall said the water from Public Water Supply to the North of this property and has rights to that water. He added the design for septic system is in lot panhandle which had limited capacity. Ringwall said the applicant has gone to Massachusetts Department of Environmental Protection for relief of the requirements for flow and that Massachusetts Department of Environmental Protection has approved relief under Title V. Ringwall added that proposal has been re-designed to have the badminton facility solely on the Harvard Green system. Will be completing soil testing tomorrow for septic system to service other two buildings. Notice Of Intent filed with Conservation Commission for all of the work within the buffer zone areas. Ringwall said there is an area of wetland replication for the fill of an isolated wetland under the Harvard Wetland Protection Buffer. He added the applicant received the Order of Conditions from Conservation Commission for that replication. Ringwall mentioned the applicant is asking for relief for part of the drainage basin to be within fifty-foot buffer in north east corner.

156 Ringwall said a peer review has been completed by Beals + Thomas to which GPR has responded.
157 Comments to the Conservation Commission have been addressed as well. Applicant filed a traffic study
158 by Bay State Engineering for the proposed three building uses. The project Architect has made revisions
159 based on comments from Design Review Board. Applicant now has two more sets of plans for the DRB.
160

161 McCormack wanted to know what about this permit that makes it an ARV-SP and not just a general
162 commercial development. Cabelus suggest taking a deep dive into both sections §125-52, and §125-37
163 as this is an open question of the Board. Ringwall stated that section of the bylaw has specific
164 requirements that allow for development with minimum acreage and specific frontage, allowing for a
165 single curb cut.
166

167 Donahue asked if it were too dry for soil testing. Ringwall explained in 1995 when Title 5 had a major
168 revamping in which allowed for soil evaluator certification to determine indicators and modeling in the
169 soil, as a result there is no season for testing. Donahue asked if this project were going to be phased, as
170 the other two buildings are undetermined and would need to come back to DRB once the uses are
171 determined. Donahue asked if applicant were doing all the parking now. Ringwall said yes, and that he
172 hoped to have package ready to go with new for DRB and PB with the revised submission soon. Ringwall
173 said he is looking to re-start with the DRB. Donahue inquired if the Harvard Green Home Owners
174 Association were updated on the proposal and had the Planning Board heard from them? Allard said she
175 would check the file and share any information with the new members of the PB. McCormack asked what
176 is Harvard Green. Ringwall told the PB that Harvard Green was a 40B project behind the lot at 203 Ayer
177 Road.
178

179 Cabelus mentioned Town Counsel has provided feedback earlier today that will be shared with Ringwall
180 and the board shortly. B+T is asking for an additional \$7,500 for review of the traffic study and
181 attendance at additional meetings. The threshold is 400 trips/day. Ringwall pointed out that the cost by
182 the applicant for this study is the same for the review by B+T. Applicant formally requested the Board to
183 allow the study and findings to be presented by the engineer that conducted the study to answer
184 questions. Cabelus said the request was reasonable and invited the Applicant's team was invited do
185 traffic presentation on September 19th. Cabelus said traffic is a serious concern in the C District.
186

187 Steve Moeser, Park Lane, encouraged the voting Board to under all the conditions necessary for this
188 permit specifically to understanding the massing, the size and grading of this site and frontage along Ayer
189 Road.
190

191 Donahue made a motion to continue the hearing to September 12, 2022 at 7:30pm. Cook seconded the
192 motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton,
193 aye; Jennings, aye; and Cabelus, aye.
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195 Signed: _____ Liz Allard, Clerk
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209 **Harvard Planning Board**

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211 **Special Permit & Driveway Site Plan Review**

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213 **Francoise Crook, Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of)**

214

215 **August 15, 2022**

216

217 The public hearing was opened at 8:12pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning
218 Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter
219 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State
220 of Emergency, and signed into law on July 14, 2022

221

222 **Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and
223 John McCormack (Associate Member)

224

225 **Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Dan Wolfe
226 (Ross Associates)

227

228 This hearing for a Special Permit and Driveway Site Plan Review filed on behalf of Ms. Francoise Crook for
229 the approval of a Type 2 hammerhead lot and associated driveway at Lot 5 Prospect Hill Road (Map 11
230 Parcel 22.1 portion of), Harvard.

231

232 Dan Wolfe, Ross Associates, Inc., 10.99 acres, lot width of 270', frontage 56.78', no location does the lot
233 get any narrower. Wolfe said the centerline length is no greater than 600 feet. Conforms to all of the
234 requirements of a type 2 lot and Driveway Site Plan approval. Wolfe said the plan shows the driveway
235 length to be 488 feet and that the steepness of the driveway does not exceed eight percent. Wolf added
236 that the plans show the mitigation for runoff from the driveway has no ill effects on any abutting
237 properties. He said the driveway plans show a recharge trench along the downhill side of the driveway to
238 capture any runoff, allowing infiltration to take place. Wolfe mentioned there is a gravel turnaround area
239 sufficient for any fire apparatus or emergency vehicle to back into and turn around. He added this turn
240 around area is strategically place to accommodate any conflicting traffic that might be headed in or out at
241 the same time.

242

243 Donahue asked if there were a rock wall permit that goes along with the proposal. Wolfe said there is no
244 stone wall or tree along the frontage that would require a permit under the Scenic Road bylaw. Allard
245 said she has reached out for a peer review of the proposed project. Cook asked what would be peer
246 reviewed. Allard explained that the peer review is to check the application for compliance with the Town
247 bylaws. Wolfe asked if that were a discretionary issue with the PB. Allard could not recall if the peer
248 review were discretionary. Cabelus asked if Wolfe were making a request to deviate from that peer
249 review. Wolfe said he was not requesting that but he did ask why the proposal was not for peer review
250 before the meeting to have resolution more quickly. Donahue said peer review has always been part of
251 the process as long as she has been part of the PB. Allard was not certain when a peer review would be
252 completed.

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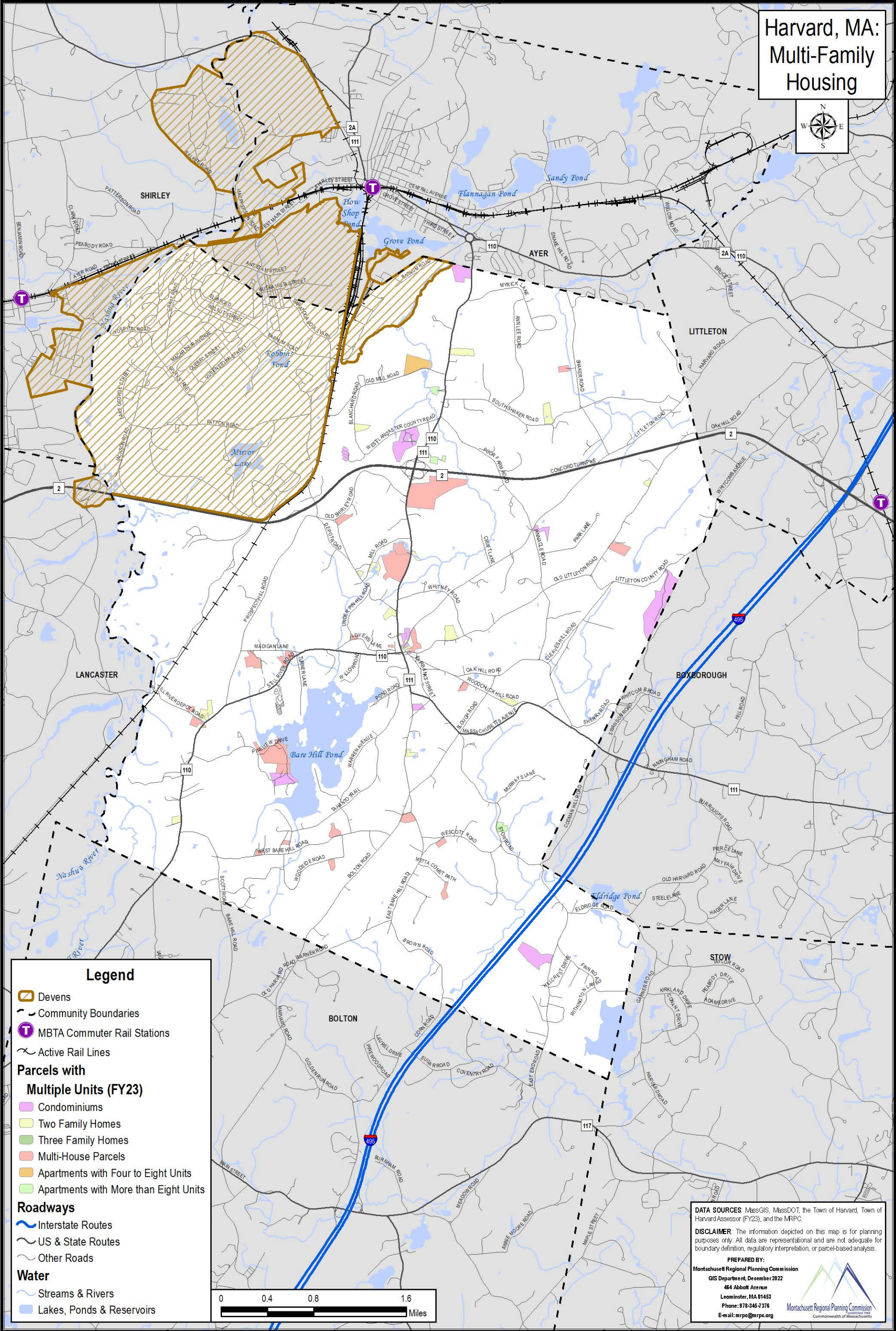
254 Cabelus said the public hearing would be continued to allow the peer review to be completed. Donahue
255 made a motion to continue the hearing to September 12, 2022 at 8:30pm. Cook seconded the motion.
256 The vote was unanimous in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye;
257 Jennings, aye; and Cabelus, aye.

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259 Signed: _____ Liz Allard, Clerk

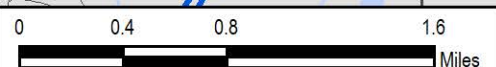
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Harvard, MA: Multi-Family Housing



Legend

- Devens
- Community Boundaries
- MBTA Commuter Rail Stations
- Active Rail Lines
- Parcels with Multiple Units (FY23)**
 - Condominiums
 - Two Family Homes
 - Three Family Homes
 - Multi-House Parcels
 - Apartments with Four to Eight Units
 - Apartments with More than Eight Units
- Roadways**
 - Interstate Routes
 - US & State Routes
 - Other Roads
- Water**
 - Streams & Rivers
 - Lakes, Ponds & Reservoirs



DATA SOURCES MassGIS, MassDOT, the Town of Harvard, Town of Harvard Assessor (FY23), and the MRPC.

DISCLAIMER The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

PREPARED BY:
 Montachusett Regional Planning Commission
 GIS Department, December 2022
 484 Abbot Avenue
 Leominster, MA 01453
 Phone: 978-345-7378
 E-mail: mrpc@mrpc.org

FY	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Open Space Projects	\$271,920.00	\$110,500.00	\$138,500.00	\$155,000.00	\$30,000.00	\$12,500.00		\$119,100.00														
Conservation Projects				\$90,000.00	\$100,000.00	\$200,000.00	\$150,000.00	\$100,000.00	\$75,000.00	\$73,750.00	\$50,000.00	\$200,000.00	\$100,000.00	\$26,100.00	\$26,100.00	\$100,000.00	\$26,000.00	\$125,000.00	\$150,000.00	\$150,000.00	\$150,000.00	
Recreation Projects													\$120,000.00	\$75,000.00				\$15,000.00	\$40,000.00	\$5,000.00	\$65,325.00	
Affordable Housing		\$35,000.00	\$50,000.00	\$30,000.00	\$80,000.00	\$25,000.00																
Housing Fund						\$110,000.00	\$150,000.00	\$100,000.00	\$75,000.00	\$25,000.00	\$34,395.00	\$100,000.00	\$150,000.00	\$26,100.00	\$26,100.00	\$20,268.00	\$26,000.00	\$27,321.00	\$53,000.00	\$33,800.00	\$38,879.00	
Historic Preservation	\$13,100.00	\$170,000.00	\$6,000.00	\$6,200.00	\$126,278.00	\$2,500.00	\$23,000.00	\$30,711.00	\$145,655.00	\$27,000.00	\$35,500.00	\$71,000.00	\$83,600.00	\$26,100.00	\$326,100.00	\$174,752.00	\$26,000.00	\$115,000.00	\$95,200.00	\$25,000.00	\$44,750.00	
Town Hall Debt															\$63,000.00	\$50,838.00	\$51,000.00	\$50,000.00		\$48,038.00	\$46,988.00	
Admin							\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Total								\$352,311.00	\$298,155.00	\$128,250.00	\$122,395.00	\$373,500.00	\$456,100.00	\$155,800.00	\$443,800.00	\$348,358.00	\$131,500.00	\$334,821.00	\$340,700.00	\$264,338.00	\$348,442.00	
State Reimbursement		\$119,516.00	\$127,763.00	\$140,647.00	\$149,257.00	\$111,122.00	\$59,989.00	\$47,991.00	\$48,200.00	\$49,536.00	\$99,463.00	\$61,623.00	\$60,746.00	\$43,500.00	\$37,013.00	\$37,014.00	\$43,037.00	\$55,475.00	\$70,086.00	\$115,892.00		
Reimbursement %		\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$29.00	\$27.20	\$26.60	\$26.80	\$52.20	\$31.50	\$29.70	\$20.60	\$17.20	\$17.20	\$19.00	\$23.90	\$28.60	\$43.84		

Community Preservation Fund			
Draft Budget for FY24 10-27-22			
Unreserved Fund Balance Carried Forward	\$14,725.00		
FY 23 Town Collection	\$274,924.00	Estimated	
FY 23 State Match	\$96,223.40	Estimated at 35%	
FY 23 Town Collection plus State Match	\$371,147.40	10% minimum \$37200 based on estimated Town Collection	
Total	\$385,872.40		
FY 24 Requests	Amount Requested	Voted to Spend	
CPC Expenses	\$2,500.00		
Town Hall Debt	\$45,938.00		
Affordable Housing 10%	\$37,100.00		
Baseball & Softball Field Improvements	\$47,000.00		
Preservation of Harvard fire Documents	\$5,760.00		
Invasive Management	\$26,000.00		
Preservation of Historic Files	\$30,635.00		
Littleton County Road	\$200,000.00		
Pickleball Courts	\$300,000.00		
Athletic Field Acquisition	\$200,000.00		
Playground ADA upgrade	\$50,000.00		
Total	\$944,933.00	\$0.00	
Difference	-\$559,060.60		

OFFICE OF THE
CONSERVATION COMMISSION

13 AYER ROAD HARVARD, MA 01451

978-456-4100 EXT.321

www.harvard-ma.gov



MEMORANDUM

DATE: December 14, 2022

TO: Harvard Planning Board

FROM: Harvard Conservation Commission 

RE: Special Permit Application – 47 Poor Farm Road

The Conservation Agent has reviewed the application for addition of a co-locator to an existing Wireless Communications Tower at the above-mentioned address. The proposed 2" 40 SCH 40 underground fiber conduit and fiber handhole will be within a wetland resource area and its 100' buffer zone. Therefore, an application with the Conservation Commission shall be required for this activity. Thank you